



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1763-00

25 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 8 June 1979 at the age of 19. Your record reflects that you served for a year without incident but on 23 June 1980 you received nonjudicial punishment (NJP) for drunkenness, dereliction in the performance of your duty, and possession of alcoholic beverages. The punishment imposed was a \$100 forfeiture of pay, extra duty and restriction for 14 days, and reduction to paygrade E-1. Approximately a month later, on 21 July 1980, you received NJP for wrongful possession of two identifications cards, failure to report an offense, being in a restricted area, and failure to check out off duty. The punishment imposed was a \$100 forfeiture and restriction and extra duty for 14 days.

Your record further reflects that during the period from 6 March to 7 December 1981 you received NJP on three occasions for disobedience, failure to go to your appointed place of duty, three incidents of dereliction in the performance of your duty, and a two day period of unauthorized absence (UA).

On 4 August 1982 you were convicted by special court-martial of introduction, transfer, and/or possession of a controlled substance. You were sentenced to confinement for four months, forfeitures totalling \$1,468, and reduction to paygrade E-1. Shortly thereafter, on 27 August 1982, you were convicted by summary court-martial (SCM) of disobedience, dereliction in the performance of your duties, and destruction of government property. You were sentenced to confinement at hard labor for 30 days and reduction to paygrade E-1.

On 6 October 1982 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 5 November 1982 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Your commanding officer also recommended you be issued an other than honorable discharge by reason of misconduct. Subsequently, the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 20 December 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board further considered your contention that you had an alcohol abuse problem and were separated without being afforded rehabilitation treatment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in five NJPs and two court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director